

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

Jose A. Otero-Ortiz,
Petitioner,
V.
United States of America,
Respondent.

CASE NUMBER: 97-2321 (HL)

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 U.S. DISTRICT COURT
 SOUTHERN DISTRICT OF TEXAS
 SAN ANTONIO, TEXAS

MOTION

Date Filed: 10/17/00 Docket # 18 [x] Plffs [] Defts
Title: Motion in Compliance with Court's Order
Opp'n Filed: Docket #

ORDER

The Court hereby notes Petitioner's compliance with the Court's order of September 18, 2000, Dkt. No. 15.

MOTION

Date Filed: 10/17/00 Docket # 19 [x] Plffs [] Defts
Title: Motion Asking for Disposition on Ethical Issue
Opp'n Filed: Docket #

ORDER

In light of the potential conflict of interest that the Federal Public Defender's continued representation of Petitioner could present, the Federal Public Defender is hereby excused from further representation of Petitioner in this case. The Federal Public Defender is ordered, however, to serve this order on Miguel Nogueras, Assistant Federal Public Defender in the Southern District of Texas, Petitioner's trial counsel. Miguel Nogueras shall by November 10, 2000 file a sworn statement specifically recounting his recollection of whether he was informed by Petitioner that Petitioner's presentence report was incorrect with respect to Petitioner's expunged convictions.

The Federal Public Defender is also ordered to serve this order on Petitioner Jose A. Otero-Ortiz. Petitioner is hereby ordered to file by November 10, 2000 a sworn statement specifically recounting his recollection of whether he informed Miguel Nogueras that his presentence report was incorrect.

The Court declines to appoint Petitioner counsel, because "the interests of justice [do not] so require." 18 U.S.C.A. § 3006A(a)(2) (West 2000). Petitioner need not present any legal arguments or navigate any complex procedural waters at this stage of the proceedings.

Date

10/20/00

HECTOR M. LAFFITTE
 Chief U.S. District Judge

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